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The situation in the Middle East

Question of Palestine

United Nations Relief and Works Agency for Palestine Refugees in the Near East

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Letter dated 20 May 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

As you are aware, yesterday the Security Council adopted resolution 1544 (2004), in response to the ongoing Israeli military attacks against the Palestinian civilian population in the Occupied Palestinian Territory that have caused numerous civilian deaths and vast destruction in the Rafah area of the Gaza Strip in particular. Since the beginning of this month, the Israeli occupying forces have killed more than 100 Palestinians, including children, and have destroyed more than 190 homes, rendering more than 2,000 more Palestinians homeless, further exacerbating the political and humanitarian crisis. The overwhelming adoption of resolution 1544 (2004) by the Council represents an important initial response by the international community to this grave deterioration of the situation as a result of Israel's ongoing violations and grave breaches of international law, including international humanitarian law.

In this regard, it is important to recall that, in resolution 1544 (2004), the Security Council, while recalling several of its previous resolutions, reiterated "the obligation of Israel, the occupying Power to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War", and directly called on "Israel to respect its obligations under international humanitarian law" and insisted, in particular, "on its obligation not to undertake demolition of homes contrary to that law". Condemning the killing of Palestinian civilians in the Rafah area, the Council

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also called for the cessation of violence and for respect of and adherence to legal obligations, including those under international humanitarian law. Such a clear and unambiguous reference by the Council to the primacy of international law and its applicability with regard to this ongoing conflict and crisis has been long overdue.

Further, in addition to expressing grave concern over the recent demolition of homes and the ensuing humanitarian situation in the Rafah refugee camp, the Council also called for the provision of emergency assistance to the Palestinians made homeless in the Rafah area. The importance of such humanitarian assistance for the well-being and indeed survival of the Palestinian civilian population in Rafah cannot be underestimated, and it is strongly hoped that the international community and international humanitarian organizations will be forthcoming in response to this urgent appeal.

It is deeply regrettable that, in the immediate wake of the adoption of resolution 1544 (2004), not only did several Israeli officials publicly declare the intention to continue this military campaign, but the Israeli occupying forces have actually continued killing Palestinian civilians and destroying Palestinian homes in the Rafah area. Such actions by Israel, the occupying Power, are typical of its constant and blatant disregard for international law, the resolutions of the United Nations and the will of the international community. In total disrespect for all norms and standards of international law, Israel continues to act with impunity, committing serious violations and grave breaches of international law against the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem.

In the light of this situation, it is imperative that concerted efforts be taken by the United Nations to ensure compliance by Israel with the provisions of resolution 1544 (2004) and with international law, including in particular its obligations as an occupying Power. In upholding its duties and responsibilities, it is incumbent upon the Security Council to seriously follow up the implementation of its resolutions. Further, in this regard, Palestine respectfully urges the Secretary-General to use his good offices to compel the Government of Israel to cease its military campaign against the Palestinian people, including in particular in the Gaza Strip, to adhere to international law and to return to negotiations — in short, to comply with Security Council resolution 1544 (2004).

The role of the Quartet in this regard is also important, particularly as resolution 1544 (2004) calls once more on both parties to immediately implement their obligations under the road map. Tangible efforts must be undertaken to assist the parties in this regard to halt the continued deterioration of the situation and to bring about a resumption of peace negotiations towards the ultimate attainment of a final settlement.

Yesterday, the international community, through the Security Council, made its voice heard in unequivocal rejection of Israel's continuing violations and grave breaches. Serious action must be undertaken to seize upon the consensus expressed by the international community in this regard in order to end the bloodshed and suffering. Inaction will only send the wrong signal to the occupying Power and allow it to continue acting above and beyond the parameters of international law, causing even more death and devastation, and will gravely undermine the credibility of the international system.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the fifty-eighth session of the General Assembly, under agenda items 37, 38, 83 and 84, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations